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April 1, 2021

Via PACER

The Honorable Stephanos Bibas
U.S. Court of Appeals
Third Circuit
21400 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: *Twin Spans Business Park, LLC and HDC, Inc. v. Cincinnati Insurance Company* C.A. No.: 1:19-cv-00476-SB-SRF

Dear Judge Bibas:

The parties write to provide a joint status update as required by Judge Richard Andrews's order of October 6, 2020 (D.I. 42).

Trial in this matter is scheduled for June 1, 2021, at 9:00 a.m., in Courtroom 6A of the J. Caleb Boggs Federal Buildings, 844 N. King Street, Wilmington, DE 19801.

The parties completed depositions of the remaining experts and other witnesses last fall. Following the depositions, the parties conferred in early February to determine the scope and extent of any outstanding discovery remaining. At that time, it was determined that Plaintiffs would produce their experts' files and a privilege log and Defendant would produce its expert's file. On March 30, 2021, Plaintiffs produced approximately 12,000 additional pages of documents from their experts' file. Defendant is reviewing these materials. Plaintiffs still need to review an additional 2,500 documents from their experts' file for production and to create a privilege log to include the most recent document production. Defendant still needs to produce its expert file.

At the time of writing, the Chief District Judge's order of February 5 suspending jury trials through April 5 remains in effect, and no subsequent order has been issued. Defendant reserves the right to move to continue the June 1 trial depending on the substantive content of any subsequent emergency orders issued by the Chief Judge. Of particular concern is that the

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jury trial in this matter take place live and in-person, which is the parties' preference, and the precautions to be taken to ensure the trial is conducted safely and efficiently.

Finally, a pretrial conference does not appear to have been scheduled in this case. While the status of the trial remains uncertain as of the time of writing, the parties request that a pretrial conference be scheduled at the Court's convenience so that deadlines for submission of jury instructions, the pretrial order, and other pretrial matters become firmly established.

Undersigned counsel is available at the convenience of the Court should Your Honor have any questions or concerns.

Respectfully submitted,

/s/ Daniel F. McAllister

Daniel F. McAllister

Bar ID: 4887

DFM/sat

cc: Robert Ciociola, Esq. (via Pacer)
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